

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

THE PEOPLE OF THE
STATE OF MICHIGAN,

Plaintiff,

vs.

Case No. 2003-923-FC

BRIAN WALLIS SHAMER,

Defendant.

OPINION AND ORDER

This matter is before the Court on defendant's motion for placement/reinstatement under the Holmes Youthful Trainee Act ("HYTA").

On August 14, 2003, defendant pled guilty to attempted criminal sexual conduct, first degree. His request for HYTA status was granted pursuant to MCL 762.11. However, a bench warrant was subsequently issued for his arrest on the ground that he had sexual contact with a child age 16 or under on May 24, 2005. Further, on May 25, 2005, he tested positive for cocaine. As a result, his probation was terminated without improvement and his HYTA status was revoked on July 7, 2005.

He presently seeks reinstatement of his status under the HYTA on the ground that he is presently married, with children. In this regard, he contends that placement under the HYTA would enable him to obtain a college education, which, in turn, would assist him in providing for his family.

At the outset, the HYTA provides in pertinent part that:

The court of record having jurisdiction over the criminal offense



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referred to in section 11 of this chapter may, at any time, terminate its consideration of the individual as a youthful trainee or, once having assigned the individual to the status of a youthful trainee, may at its discretion revoke that status at any time before the individual's final release. If an individual who is required to be registered pursuant to the sex offenders registration act willfully violates that act, the court shall revoke the individual's status as a youthful trainee... MCL 762.12

After careful consideration, the Court opines that it would not be in the interest of justice to reinstate defendant's status under the HYTA. The Court points out that defendant had initially been placed under the HYTA, after which his improper conduct had resulted in the revocation thereof. Therefore, he cannot reasonably complain about his present circumstances.

For the reasons set forth above, defendant's motion for placement/reinstatement under the HYTA is DENIED. In compliance with MCR 2.602(A)(3), the Court finds that this decision resolves the last pending issue and closes the case.

IT IS SO ORDERED.

Diane M. Druzinski, Circuit Court Judge

Date: **AUG 24 2006**

DMD/aac

cc: Angela D. Bray, Asst. Prosecuting Attorney
Brian Shamer, In Pro Per
Erika Shamer
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DIANE M. DRUZINSKI
CIRCUIT JUDGE

AUG 24 2006
A TRUE COPY
CARMELLA BABAGH, COUNTY CLERK
BY: *[Signature]* COURT CLERK